



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/048,142	07/16/2002	Nico Lugil	VANM244.001APC	2736
20995	7590	03/21/2006	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP			BURD, KEVIN MICHAEL	
2040 MAIN STREET			ART UNIT	
FOURTEENTH FLOOR			PAPER NUMBER	
IRVINE, CA 92614			2611	

DATE MAILED: 03/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

37L

Office Action Summary	Application No. 10/048,142	Applicant(s) LUGIL ET AL.	
	Examiner Kevin M. Burd	Art Unit 2631	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 40-77 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 40-61, 63 and 70-77 is/are rejected.
- 7) ☒ Claim(s) 62, 64-69 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Priority

1. Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged. Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. [1] as follows:

It is noted that this application appears to claim subject matter disclosed in prior Application No. 60/145,426, filed 7/23/1999. A reference to the prior application must be inserted as the first sentence(s) of the specification of this application or in an application data sheet (37 CFR 1.76), if applicant intends to rely on the filing date of the prior application under 35 U.S.C. 119(e), 120, 121, or 365(c). See 37 CFR 1.78(a). For benefit claims under 35 U.S.C. 120, 121, or 365(c), the reference must include the relationship (i.e., continuation, divisional, or continuation-in-part) of all nonprovisional applications. If the application is a utility or plant application filed under 35 U.S.C. 111(a) on or after November 29, 2000, the specific reference to the prior application must be submitted during the pendency of the application and within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior application. If the application is a utility or plant application which entered the national stage from an international application filed on or after November 29, 2000, after compliance with 35 U.S.C. 371, the specific reference must be submitted during the pendency of the application and within the later of four months from the date on which the national stage commenced under 35 U.S.C. 371(b) or (f) or sixteen

Art Unit: 2631

months from the filing date of the prior application. See 37 CFR 1.78(a)(2)(ii) and (a)(5)(ii). This time period is not extendable and a failure to submit the reference required by 35 U.S.C. 119(e) and/or 120, where applicable, within this time period is considered a waiver of any benefit of such prior application(s) under 35 U.S.C. 119(e), 120, 121 and 365(c). A benefit claim filed after the required time period may be accepted if it is accompanied by a grantable petition to accept an unintentionally delayed benefit claim under 35 U.S.C. 119(e), 120, 121 and 365(c). The petition must be accompanied by (1) the reference required by 35 U.S.C. 120 or 119(e) and 37 CFR 1.78(a)(2) or (a)(5) to the prior application (unless previously submitted), (2) a surcharge under 37 CFR 1.17(t), and (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2) or (a)(5) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional. The petition should be addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

If the reference to the prior application was previously submitted within the time period set forth in 37 CFR 1.78(a), but not in the first sentence(s) of the specification or an application data sheet (ADS) as required by 37 CFR 1.78(a) (e.g., if the reference was submitted in an oath or declaration or the application transmittal letter), and the information concerning the benefit claim was recognized by the Office as shown by its inclusion on the first filing receipt, the petition under 37 CFR 1.78(a) and the surcharge under 37 CFR 1.17(t) are not required. Applicant is still required to submit the reference

Art Unit: 2631

in compliance with 37 CFR 1.78(a) by filing an amendment to the first sentence(s) of the specification or an ADS. See MPEP § 201.11.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 40-61, 63 and 70-77 are rejected under 35 U.S.C. 102(e) as being anticipated by Philips et al (US 5,872,810).

Regarding claims 40 and 74, Philips discloses a CDMA communication device shown in figures 1 and 2. The device comprises a CDMA transmitter and receiver (figure 2). The device comprises RAM 206 as well as registers (column 14, lines 63-66; column 16, lines 15-17 and column 20, lines 12-15). The device comprises an acquisition circuit (column 21, line 65 to column 22, line 5). The transmitter comprises a digital circuit comprising an input register for holding a compensation angle (column 36, lines 27-36) and the change in the angle is determined by monitoring the carrier phase error in a carrier phase estimation error estimation function 566 (column 36, lines 27-36).

Regarding claims 41 and 70, Philips further discloses a circuit comprising a noise estimator 242 that performs a sum of the absolute values of the I and Q branch output (column 18, lines 10-15). The DSP 204 reads the signal energy level from the noise estimator 242 and uses this information to control the gain of the receiver (column 18, lines 15-19).

Regarding claim 42, Philips further discloses a circuit comprising a noise estimator 242 that performs a sum of the absolute values of the I and Q branch output (column 18, lines 10-15). The DSP 204 reads the signal energy level from the noise estimator 242 and uses this information to control the gain of the receiver (column 18, lines 15-19). Philips also discloses correlators 224 (column 18, lines 20-26).

Regarding claims 43 and 44, Philips further discloses a circuit comprising a noise estimator 242 that performs a sum of the absolute values of the I and Q branch output (column 18, lines 10-15). The DSP 204 reads the signal energy level from the noise

Art Unit: 2631

estimator 242 and uses this information to control the gain of the receiver (column 18, lines 15-19). Communication with the DSP processor 204 is performed by the double-buffered on-chip processor interface 230 (column 15, lines 12-15).

Regarding claims 45-47, Philips further discloses processor 204 in figure 1.

Regarding claims 48-50, Phillips further discloses the transmitter chip matched filter 220 performs shaping of the spread base band signals from spreaders 222, 223 (column 16, lines 23-28).

Regarding claim 51, Philips discloses to transmit and receive GPS signals (column 14, lines 63-66).

Regarding claims 52-56, Philips discloses chip-matched filters 220, 220a are over sampling low pass filters (column 14, lines 57-60) and these filters perform shaping of the base band signals (column 16, lines 23-28).

Regarding claim 57, Philips further discloses a zero-th order interpolation can be applied on the output of the transmitter chip matched filter 220 (column 16, lines 45-49).

Regarding claim 58, the transmitter is arranged for multi-code transmission (column 1, lines 17-42).

Regarding claims 59, 72 and 73, the receiver comprises a pulse shaper and demodulator for recovering the received information (figure 2).

Regarding claim 60, Philips discloses down converter 212 is prior to pulse shaping filter 241 in figure 2.

Regarding claim 61, Philips discloses to transmit and receive GPS signals (column 14, lines 63-66).

Regarding claims 63 and 71, Philips further discloses the levels of the I and Q branch can be separately adjusted (column 16, lines 50-53).

Regarding claim 75, Philips discloses a method for using a CDMA communication device shown in figures 1 and 2. The device comprises a CDMA transmitter and receiver (figure 2). The device comprises RAM 206 as well as registers (column 14, lines 63-66; column 16, lines 15-17 and column 20, lines 12-15). The device comprises an acquisition circuit (column 21, line 65 to column 22, line 5). The transmitter comprises a digital circuit comprising an input register for holding a compensation angle (column 36, lines 27-36) and the change in the angle is determined by monitoring the carrier phase error in a carrier phase estimation error estimation function 566 (column 36, lines 27-36).

Regarding claim 76, Philips discloses to transmit and receive GPS signals (column 14, lines 63-66).

Regarding claim 77, Philips further discloses processor 204 in figure 1.

Allowable Subject Matter

Claims 62 and 64-69 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin M. Burd whose telephone number is (571) 272-3008. The examiner can normally be reached on Monday - Friday 9 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on (571) 272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kevin M. Burd
3/17/2006


KEVIN BURD
PRIMARY EXAMINER